The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

4. *

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte MARIE-CHRISTINE ETIENNE

Appeal 2007-1166 Application 09/839,366 MAILED

APR 2 G 2007

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

ORDER DISMISSING APPEAL

Appellant filed a Notice of Appeal on November 17, 2003. On June 01, 2004, the Appellant filed their Appeal Brief. On March 10, 2006, the Examiner filed a Supplemental Examiner's Answer which included a new ground of rejection against the claim.

On April 19, 2007, Dianne E. Maggard, Lead Paralegal Specialist for the Board of Patent Appeals and Interferences via telephone contacted counsel for Appellant, Richard E. Fichter, Reg. No. 26,382. Mr. Fichter indicated that no response to the Supplemental Examiner's Answer had been filed.

The Examiner provided Appellant with 2 months to respond to the Supplemental Examiner's Answer "to avoid *sua sponte* dismissal of the appeal." Since Appellant did not respond, the appeal is dismissed.

Appeal 2007-1166 Application 09/839,366

Accordingly, it is

ORDERED that the Notice of Appeal filed November 17, 2003, is dismissed.

The application is being returned to the examiner for further action as may be appropriate.

BOARD OF PATENT APPEALS AND INTERFERENCES

Dale M. Shaw Chief Appeals Administrator (571)272-9797

dm

Richard E. Fichter Bacon & Thomas, PLLC Fourth Floor 625 Slaters Lane Alexandria, VA 22314